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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,162	06/13/2006	Danny A. Grant	IMMR-152C (034701-514)	3271
60/140 7590 06/26/2008 IMMERION -THELEN REID BROWN RAYSMAN & STEINER LLP P.O. BOX 640640 SAN JOSE, CA 95164-0640				
EXAMINER SORRELL, IRON J				
ART UNIT 2182		PAPER NUMBER		
MAIL DATE 06/26/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/538,162

**Applicant(s)**

GRANT ET AL.

**Examiner**

ERON J. SORRELL

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 8-11, 17-23, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11, 17-23, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/11/08 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,4,8,9,11,29, and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Olson (U.S. Patent No. 7,171,191).

4. Referring to method claims 1 and 30, computer-readable medium claim 8, and apparatus claim 29, Olson teaches a method, computer-readable medium, and apparatus, the method comprising a method, comprising:

transmitting an input signal from an originator having a haptic code therein (see lines 49-57 of column 5);

receiving an input signal sent from an originator having a haptic code therein (see lines 49-57 of column 5);

extracting the haptic code from the input signal, the haptic code being associated with a haptic logo which distinctly corresponds to the originator, with said haptic logo providing information identifying an originator of said input signal (see lines 49-57 of column 5); and

providing a control signal to an actuator, the control signal being based at least in part on the haptic code and configured to cause the actuator to output a haptic effect associated with the haptic logo, wherein the haptic effect identifies the originator of the input signal (see lines 49-57 of column 5).

5. Referring to claims 2 and 9, Olson teaches the haptic code is associated with a status message (see lines 45-48 of column 5, note the status is the receipt of a new message).

6. Referring to claims 4 and 11, Olson teaches the haptic effect is output to a handheld device (see item 206 in figure 2).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson in view of Austin-Lane et al. (U.S. Pub. No. 2004/0059790 hereinafter "Austin-Lane").

9. Referring to method claim 3 and computer-readable medium claim 10, Olson teaches the method, computer-readable medium, and apparatus of claims 2 and 9 as shown above, however the

combination fails to teach the status event includes at least one of an advertisement event, a business-transaction event, a one-to-one marketing event, a stock-trading event, a weather-forecast event, an entertainment event, a sports event, and an emergency event.

Austin-Lane teaches, in an analogous system, the status event comprising at least an advertisement event (see paragraph 33).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Olson with the above teachings of Austin-Lane. One of ordinary skill in the art would have been motivated to make such modification in order to provide the user with a notification of important time-sensitive information as suggested by Austin-Lane (see paragraph 3).

10. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson in view of Aaltonen et al. (U.S. Patent No. 6,885,876 hereinafter "Aaltonen").

11. Referring to claim 17, Olson teaches an apparatus comprising a memory storing program code for performing a method (see lines 25-35 of column 6), the method comprising:

receiving an input signal sent from an originator having a haptic code therein (see lines 49-57 of column 5);

extracting the haptic code from the input signal, the haptic code being associated with a haptic logo which distinctly corresponds to the originator, with said haptic logo providing information identifying an originator of said input signal (see lines 49-57 of column 5); and

providing a control signal to an actuator, the control signal being based at least in part on the haptic code and configured to cause the actuator to output a haptic effect associated with the haptic logo, wherein the haptic effect identifies the originator of the input signal (see lines 49-57 of column 5).

Olson fails to explicitly teach a processor coupled to and in communication with an actuator, however Olson does teach the apparatus being a wireless phone that can output haptic effects (see lines 49-57 of column 5).

Aaltonen teaches, a wireless phone for outputting haptic effects comprising a processor (see item 13 in figure 1) coupled to an actuator (see item 30 in figure 1).

It would have been obvious to one of ordinary skill in the art to modify the teachings of Olson with that of Aaltonen in order to use the method in an existing type wireless phone.

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12. Referring to claim 18, Aaltonen teaches the actuator is coupled to the handheld device (see item 30 in figure 1).

13. Referring to claim 19, Olson teaches the apparatus is a cellphone or pda (see items 202 and 206 in figure 2).

14. Referring to claim 20, Olson teaches the haptic code is associated with a status message (see lines 45-48 of column 5, note the status is the receipt of a new message).

15. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olson in view Aaltonen as applied to claim 20 above and further in view of Austin-Lane et al. (U.S. Pub. No. 2004/0059790 hereinafter "Austin-Lane").

16. Referring claim 21, the combination of Olson and Aaltonen teaches the apparatus of claim 17 as shown above, however the combination fails to teach the status event includes at least one of an advertisement event, a business-transaction event, a one-to-one marketing event, a stock-trading event, a weather-forecast event, an entertainment event, a sports event, and an emergency event.



Austin-Lane teaches, in an analogous system, the status event comprising at least an advertisement event (see paragraph 33).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Olson and Aaltonen with the above teachings of Austin-Lane. One of ordinary skill in the art would have been motivated to make such modification in order to provide the user with a notification of important time-sensitive information as suggested by Austin-Lane (see paragraph 3).

17. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson in view of Aaltonen as applied to claim 17 and further in view of of Wies et al. (WO 02/03172 A2 hereinafter "Wies").

18. Referring to claims 22 and 23, the combination of Olson and Aaltonen teaches the apparatus of claim 17 as shown above, however the combination fails to teach the memory further stores a haptic lookup table associating a plurality of haptic codes each with a control signal the memory further stores program code to download the haptic lookup table from a remote source.

Wies teaches, in an analogous system, the above limitations (see paragraph bridging pages 14 and 15, note the library disclosed by Wies, which can be downloaded from a network server, is being construed as the applicant's claimed table).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Olson and Aaltonen with the above teachings of Wies in order to give the user a greater range of events by allowing for customization.

### ***Response to Arguments***

19. Applicant's arguments with respect to claims 1,8, and 17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERON J. SORRELL whose telephone number is (571)272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the

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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eron J Sorrell/  
Examiner, Art Unit 2182  
June 22, 2008